

**From:** Matthew, Dayna  
**Location:** OCR Director's Conference Room  
**Importance:** Normal  
**Subject:** Fw: REACH Preliminary Case Plan Planning Meeting  
**Start Date/Time:** Fri 2/20/2015 7:00:00 PM  
**End Date/Time:** Fri 2/20/2015 7:30:00 PM  
SUBMITTED REACH prelim case management plan 2.5.15.docx

....  
>>>>

Dayna-

I sent the invite to Anthony.

He will be working on this investigation as well.

I am working at home, so please call me at Ex. 6 - Personal Privacy when you are ready to start

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

---

**From:** Matthew, Dayna  
**Sent:** Thursday, February 19, 2015 6:23 PM  
**To:** Matthew, Dayna; Dorka, Lilian; Wooden-Aguilar, Helena; O'Lone, Mary; Covington, Jeryl; Farrell, Ericka; Whickum, Cheryl  
**Cc:** Golightly-Howell, Velveta  
**Subject:** REACH Preliminary Case Plan Planning Meeting  
**When:** Friday, February 20, 2015 2:00 PM-2:30 PM.  
**Where:** OCR Director's Conference Room  
THIS MEETING HAS BEEN SHORTENED TO MINIMIZE CONFLICTS IN LILIAN AND HELENA'S SCHEDULES. THIS IS AN INITIAL ORGANIZATIONAL MEETING ONLY. PLEASE BRING YOUR CALENDARS SO THAT WE CAN PLAN FOR THE ENTIRE GROUP, INCLUDING JERYL TO MEET NEXT WEEK. THANKS ALL.  
Please see attached Preliminary Case Management Plan – We will initiate this plan during tomorrow's planning meeting in anticipation of the acceptance letter going out to the Complainants.

**To:** Moffa, Anthony[Moffa.Anthony@epa.gov]  
**From:** O'Lone, Mary  
**Sent:** Tue 10/21/2014 11:08:24 PM  
**Subject:** RE: NC CAFO Research - revised redline strikeout.  
EJ v DENR Summary NC Swine CAFO Permit Program AM 10 20 14.mmo.docx

Here it is.

I have edited using information you had in there – so do correct it if I have botched it. I have also added some new information.

What I have trouble with (b/c I haven't looked at it for longer than 2 seconds) is does this only talk about the statutory provisions or are the regulatory ones included in there too?

I haven't focused much on when we are talking about a reg. versus a statute.

Mary O'Lone

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**From:** Moffa, Anthony  
**Sent:** Tuesday, October 21, 2014 5:13 PM  
**To:** O'Lone, Mary  
**Subject:** RE: NC CAFO Research

Sounds good. Thanks Mary.

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**Sent:** Tuesday, October 21, 2014 5:09 PM  
**To:** Moffa, Anthony  
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I am going to look at it now. Is this the most recent version?

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**From:** O'Lone, Mary  
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-Anthony

**Anthony Moffa**

Cross-Cutting Issues Law Office

Civil Rights and Finance Law Office

**Office of General Counsel**

**U.S. Environmental Protection Agency**

(202) 564-7413

Moffa.Anthony@epa.gov

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-Anthony

**Anthony Moffa**

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[Moffa.Anthony@epa.gov](mailto:Moffa.Anthony@epa.gov)

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**To:** Moffa, Anthony[Moffa.Anthony@epa.gov]  
**From:** O'Lone, Mary  
**Sent:** Wed 10/15/2014 4:07:31 PM  
**Subject:** Re: NC CAFO Research  
EJ v. DENR Summary NC Swine CAFO Permit Program AM 10 8 14 mmo.docx

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**Cc:** Golightly-Howell, Velveta

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**Where:** OCR Director's Conference Room

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Please see attached Preliminary Case Management Plan – We will initiate this plan during tomorrow's planning meeting in anticipation of the acceptance letter going out to the Complainants.

**To:** Moffa, Anthony[Moffa.Anthony@epa.gov]  
**From:** O'Lone, Mary  
**Sent:** Wed 12/10/2014 3:28:24 PM  
**Subject:** Re: REACH Draft letter (NC Title VI Complaint from Earthjustice)

Ok, I will look at it.

Can you look at this paragraph and fix it if it isn't aligned with your understanding of the regs. & if I have botched the cites.:

## Ex. 5 - Attorney Client

[1] 15A N.C.A.C. 02T.1304. See The Swine Waste Management System General Permit, AWG100000 at 12 (2014), *available at* <http://portal.ncdenr.org/web/wq/aps/afo/perm>.

[2] See 15A N.C.A.C. 02T.1304(b)(6).

[3] See AWG100000; see also "Blue Ribbon Study Commission on Agricultural Waste, Report to the Members of the 1995 General Assembly," (May 16, 1996), *available at* <http://ncleg.net/Library/studies/1996/st10736.pdf>. (Blue Ribbon Study).

[4] See 15A N.C.A.C. 02T. 1309.

[5] See AWG100000; see also Blue Ribbon Study.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA



1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

---

**From:** Moffa, Anthony

**Sent:** Wednesday, December 10, 2014 10:26 AM

**To:** O'Lone, Mary

**Subject:** RE: REACH Draft letter (NC Title VI Complaint from Earthjustice)

Here it is with my proposed revisions. The language tracks the guidance to some degree, though it needed more elaboration.

**Anthony Moffa**

Cross-Cutting Issues Law Office

Civil Rights and Finance Law Office

**Office of General Counsel**

**U.S. Environmental Protection Agency**

(202) 564-1087

[Moffa.Anthony@epa.gov](mailto:Moffa.Anthony@epa.gov)

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**From:** O'Lone, Mary

**Sent:** Wednesday, December 10, 2014 9:15 AM

**To:** Moffa, Anthony

**Subject:** Fw: REACH Draft letter (NC Title VI Complaint from Earthjustice)

This is the current draft. Velveta wanted a comma inserted after "amended" in the Title VI cite. So could you put that in there too, please.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

---

**From:** Rhodes, Julia

**Sent:** Tuesday, December 2, 2014 5:58 PM

**To:** Shenkman, Ethan; Golightly-Howell, Velveta; Wooden-Aguilar, Helena; KeyesFleming, Gwendolyn

**Cc:** Packard, Elise; O'Lone, Mary

**Subject:** REACH Draft letter (NC Title VI Complaint from Earthjustice)

Hi. Attached are CRFLO's redlined edits to the letter, as well as a clean version. If OCR is okay with the proposed language, then Ethan can give it to Avi.

Julia Rhodes

Assistant General Counsel for the Civil Rights Practice Group

Civil Rights and Finance Law Office

Office of General Counsel

Environmental Protection Agency

1200 Pennsylvania Avenue, NW, 2399A

Washington, DC 20460

Phone: 202.564.1417

**To:** Moffa, Anthony[Moffa.Anthony@epa.gov]  
**From:** O'Lone, Mary  
**Sent:** Wed 10/22/2014 3:35:48 PM  
**Subject:** RE: The actual version for you to work from  
EJ v DENR Summary NC Swine CAFO Permit Program 10 22 14.docx

I got through page 6. But I am having problems with the pre & post moratorium stuff. Can you come by 10 minutes before meeting so we can talk it through. Also, Make whatever changes I put in that seem right. Leave those marked up if we need to talk about them.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** Moffa, Anthony  
**Sent:** Wednesday, October 22, 2014 10:34 AM  
**To:** O'Lone, Mary  
**Subject:** RE: The actual version for you to work from

Here is the revised version. Let me know if you have any final changes. Should we meet briefly before heading to the OCR meeting?

**From:** O'Lone, Mary  
**Sent:** Tuesday, October 21, 2014 7:25 PM

**To:** Moffa, Anthony

**Subject:** The actual version for you to work from

I decided to change the format of the heading a bit as well. Also, please move cites into footnotes unless they are integral to a sentence.

I think we both have a good enough grip on the program to field most questions, but I want it as close to done by 11:30 tomorrow as you can get it. We can take along copies for ourselves.

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**To:** Shenkman, Ethan[Shenkman.Ethan@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov];  
Packard, Elise[Packard.Elise@epa.gov]  
**From:** Moffa, Anthony  
**Sent:** Fri 12/19/2014 8:57:13 PM  
**Subject:** RE: REACH Briefing for Avi 12 19 14 311pm.docx  
REACH Briefing for Avi 12 19 14 341pm.docx

Ethan,

Attached is a revised version in which I attempted to address your one substantive question. I also accepted all of your minor edits.

-Anthony

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**To:** Rhodes, Julia; Packard, Elise; Moffa, Anthony  
**Subject:** REACH Briefing for Avi 12 19 14 311pm.docx

Julia and team – thanks for turning this around so quickly. Please see the attached for a couple of quick comments from me in track changes: one typo; one question; and one suggested bullet to insert at the beginning of the ADR section, so that the bottom line is more clear. If you can send me a revised version after considering these comments, I will make sure it gets to Avi. On the other hand, if you would like more time to think about any of this, it would be no problem to give this to him early next week. Thanks very much!

--Ethan

Ethan Shenkman

Deputy General Counsel | Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

Main 202.564.8064 | Direct 202.564.1860 | Fax 202.564.1428

**To:** O'Lone, Mary[olone.mary@epa.gov]  
**From:** Moffa, Anthony  
**Sent:** Wed 10/22/2014 3:49:59 PM  
**Subject:** RE: The actual version for you to work from  
EJ v DENR Summary NC Swine CAFO Permit Program 10 22 14.docx

Here it is back. I got through most of it. On my way over.

**From:** O'Lone, Mary  
**Sent:** Wednesday, October 22, 2014 11:36 AM  
**To:** Moffa, Anthony  
**Subject:** RE: The actual version for you to work from

I got through page 6. But I am having problems with the pre & post moratorium stuff. Can you come by 10 minutes before meeting so we can talk it though. Also, Make whatever changes I put in that seem right. Leave those marked up if we need to talk about them.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** Moffa, Anthony  
**Sent:** Wednesday, October 22, 2014 10:34 AM  
**To:** O'Lone, Mary  
**Subject:** RE: The actual version for you to work from

Here is the revised version. Let me know if you have any final changes. Should we meet briefly before heading to the OCR meeting?

**From:** O'Lone, Mary  
**Sent:** Tuesday, October 21, 2014 7:25 PM  
**To:** Moffa, Anthony  
**Subject:** The actual version for you to work from

I decided to change the format of the heading a bit as well. Also, please move cites into footnotes unless they are integral to a sentence.

I think we both have a good enough grip on the program to field most questions, but I want it as close to done by 11:30 tomorrow as you can get it. We can take along copies for ourselves.

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Washington, DC 20460

(202) 564-4992

**From:** Moffa, Anthony  
**Sent:** Tuesday, October 21, 2014 5:13 PM

**To:** O'Lone, Mary  
**Subject:** RE: NC CAFO Research

Sounds good. Thanks Mary.

**From:** O'Lone, Mary  
**Sent:** Tuesday, October 21, 2014 5:09 PM  
**To:** Moffa, Anthony  
**Subject:** RE: NC CAFO Research

Only got to page 4. Please deal with today or tomorrow am if you can. Make changes/corrections in case I wrote something up inaccurately.

I will look at remaining pages on metro tonight & in morning & give you remaining comments.

I'd like to be close to done before we go to the meetings tomorrow midday.

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**From:** Moffa, Anthony

**Sent:** Tuesday, October 21, 2014 1:17 PM  
**To:** O'Lone, Mary  
**Subject:** RE: NC CAFO Research

Here is a slightly updated one. This morning I found a data source for civil penalties enforced by the Div. of Water Resources and am mining that now to get some meaningful figures.  
Everything besides that information should be in there.

**From:** O'Lone, Mary  
**Sent:** Tuesday, October 21, 2014 1:02 PM  
**To:** Moffa, Anthony  
**Subject:** RE: NC CAFO Research

I am going to look at it now. Is this the most recent version?

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**From:** Moffa, Anthony  
**Sent:** Wednesday, October 15, 2014 5:56 PM  
**To:** O'Lone, Mary  
**Subject:** RE: NC CAFO Research

I apologize. I just realized I did not attach the document. I have also attached the FY2013 Animal Waste Operations inspection report.

**From:** Moffa, Anthony  
**Sent:** Wednesday, October 15, 2014 5:51 PM  
**To:** O'Lone, Mary  
**Subject:** RE: NC CAFO Research

Here is a revised working version. I deleted the comments I was able to address easily in the text. The others I responded to with my own comments. I did not get a chance to add the enforcement section you requested today. Nonetheless, I figured you might want to look at some of the other sections over the next couple days, and I will be out at the ABA conference. No worries if you just want to wait until it is more final next week.

Anthony

**From:** O'Lone, Mary  
**Sent:** Wednesday, October 15, 2014 12:08 PM  
**To:** Moffa, Anthony  
**Subject:** Re: NC CAFO Research

That is really helpful. I get what Ag does, but not exactly why. Have you come across anything that explains why they get those 4 counties?

Here are my comments and questions. They are detailed so we can get to the finish line ASAP.

Thanks, Mary

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**From:** Moffa, Anthony

**Sent:** Tuesday, October 14, 2014 5:43 PM

**To:** O'Lone, Mary

**Subject:** NC CAFO Research

Mary,

Attached is a brief memo explaining what I have been able to glean thusfar. Let me know if this helps. If you want to chat about it tomorrow I should have time available. I will be out at the ABA Administrative Law conference Thursday and Friday.

-Anthony

**Anthony Moffa**

Cross-Cutting Issues Law Office



Civil Rights and Finance Law Office

**Office of General Counsel**

**U.S. Environmental Protection Agency**

(202) 564-7413

[Moffa.Anthony@epa.gov](mailto:Moffa.Anthony@epa.gov)

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**To:** O'Lone, Mary[olone.mary@epa.gov]  
**From:** Moffa, Anthony  
**Sent:** Wed 10/22/2014 2:33:45 PM  
**Subject:** RE: The actual version for you to work from  
EJ v DENR Summary NC Swine CAFO Permit Program 10 22 14 Revised.docx

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Everything besides that information should be in there.

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**To:** Moffa, Anthony  
**Subject:** RE: NC CAFO Research

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**Subject:** RE: NC CAFO Research

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-Anthony

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**To:** O'Lone, Mary[olone.mary@epa.gov]  
**From:** Moffa, Anthony  
**Sent:** Tue 10/21/2014 5:16:57 PM  
**Subject:** RE: NC CAFO Research  
EJ v DENR Summary NC Swine CAFO Permit Program AM 10 20 14.docx

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**To:** Moffa, Anthony  
**Subject:** RE: NC CAFO Research

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**To:** O'Lone, Mary[olone.mary@epa.gov]  
**From:** Moffa, Anthony  
**Sent:** Wed 10/15/2014 9:56:30 PM  
**Subject:** RE: NC CAFO Research  
2014-Oct Animal Waste Ops Insp Rpt.pdf  
EJ v DENR Summary NC Swine CAFO Permit Program AM 10 15 14.docx

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